UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/PRST/1996/2
8 January 1996

ORIGINAL: ENGLISH

STATEMENT BY THE PRESIDENT OF THE SECURITY COUNCIL

At the 3617th meeting of the Security Council, held on 8 January 1996 in connection with the Council's consideration of the item entitled "The situation in Croatia", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council has considered the report of the Secretary-General of 21 December 1995 (S/1995/1051) submitted pursuant to its resolution 1019 (1995) of 9 November 1995 on Croatia and in particular the humanitarian situation and human rights violations described therein.

"The Security Council strongly condemns the violations of international humanitarian law and human rights in the former sectors North and South in the Republic of Croatia, as described in the report of the Secretary-General, including killings of several hundreds of civilians, systematic and widespread looting and arson and other forms of destruction of property. The Council expresses its deep concern that there is a considerable discrepancy between the number of perpetrators that have so far been brought to justice and the number of reported violations of international humanitarian law and human rights. The Council urges the Government of the Republic of Croatia to make every effort to arrest all perpetrators and bring them promptly to trial.

"The Security Council is disturbed by the humanitarian and security situation of the mostly elderly Serb population who have remained in the former sectors in the Republic of Croatia. The Council is gravely concerned at the information contained in the report on continuing extensive harassment and intimidation, looting of property and other forms of abuse. It reaffirms once again its demand that the Government of the Republic of Croatia take urgent measures to stop all such acts immediately and calls on the Government of the Republic of Croatia to provide urgently needed food, medical assistance and proper shelter to the Serb population.

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"The Security Council reaffirms that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts. It recalls with dismay the failure to date of the Government of the Republic of Croatia to transfer to the custody of the International Tribunal established pursuant to its resolution 827 (1993) persons indicted by the Tribunal and expresses its concern at the recent appointment of one of those indicted to a position in the Croatian army. The Council reiterates that all States must cooperate fully with the International Tribunal and its organs.

"The Security Council expresses its deep concern at the situation of the refugees from the Republic of Croatia who wish to return. The Council shares the Secretary-General's view that the rights of the members of the Serb population who fled during the military operation to return to their homes in safety and dignity are being severely curtailed by the absence of constructive measures to facilitate their return. The Council reaffirms its demand that the Government of the Republic of Croatia respect fully the rights of the members of the local Serb population, including their right to remain, leave or return in safety, and demands that that Government create conditions conducive to the return of those persons and urgently establish procedures to facilitate the processing of requests by persons wishing to return. It also urges the Government of the Republic of Croatia to refrain from any measure which would adversely affect the exercise of the right to return.

"The Security Council reaffirms its call on the Republic of Croatia to lift any time-limits placed on the return of refugees to reclaim their property. It notes the decision of the Government of the Republic of Croatia of 27 December 1995 to suspend the deadline set in the relevant Croatian law as a step in the right direction. The Council will follow closely whether the Republic of Croatia will lift any such time-limit in a definitive manner.

"The Security Council takes note with appreciation of the decision of the Government of the Republic of Croatia of 30 December 1995 to suspend criminal proceedings against and release 455 local Serbs detained on suspicion of armed rebellion. The Council calls on the Government of the Republic of Croatia to take appropriate measures to ensure that the right to a fair trial of those Serbs who remained and have been arrested and accused of war crimes or armed rebellion is safeguarded.

"The Security Council affirms that it is necessary to ensure that the rights of persons belonging to the Serb minority are adequately safeguarded in the legal and constitutional framework of the Republic of Croatia. It urges the Government of Croatia to rescind its decision to suspend several articles of the 'Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities in the Republic of Croatia' as described in the report of the Secretary-General. The Council stresses that strict respect for the rights of persons belonging to the Serb minority will also be of great importance to the implementation of the Basic Agreement of 12 November 1995 on the Region of Eastern Slavonia, Baranja and Western Sirmium (S/1995/951, annex).

"The Security Council requests the Secretary-General to keep the Council regularly informed on the progress of measures taken by the Government of the Republic of Croatia to implement resolution 1019 (1995) and the demands set out in this statement, requests the Secretary-General to report to it no later than 15 February 1996 on this matter and expresses its intention to act as appropriate.

"The Security Council will remain seized of the matter."